

1 Mail Stop Interference
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Paper 1
Filed: September 14, 2010

7 UNITED STATES PATENT AND TRADEMARK OFFICE
8
9

10 BEFORE THE BOARD OF PATENT APPEALS
11 AND INTERFERENCES
12
13

14 GLENN W. CONNERY, GARY JASZEWSKI and RICHARD REID
15 Junior Party
16 (Patent 6,246,683),
17 v.

18 LAURENCE B. BOUCHER, STEPHEN E. BLIGHTMAN, PETER K.
19 CRAFT, DAVID A. HIGGEN, CLIVE M. PHILBRICK and
20 DARYL D. STARR
21 Senior Party
22 (Application 09/692,561).
23

24
25 Patent Interference No. 105,775 (JL)
26 (Technology Center 2400)
27

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29 DECLARATION – Bd.R. 203(b)¹
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¹ "Bd.R. x" may be used as shorthand for "37 C.F.R. § 41.x". 69 Fed. Reg. 49960, 49961 (12 Aug. 2004).

1 Part A. Declaration of interference

2 An interference is declared (35 U.S.C. § 135(a)) between the above-
3 identified parties. Details of the application(s), patent (if any), reissue
4 application (if any), count(s) and claims designated as corresponding or as
5 not corresponding to the count(s) appear in Parts E and F of this
6 DECLARATION.

7 Part B. Judge managing the interference

8 Administrative Patent Judge Jameson Lee has been designated to
9 manage the interference. Bd. R. 104(a).

10 Part C. Standing order

11 A Trial Section STANDING ORDER [SO] (Paper 2) accompanies
12 this DECLARATION. The STANDING ORDER applies to this
13 interference.

14 Part D. Initial conference call

15 A telephone conference call to discuss the interference is set for 1:00
16 p.m. on November 4, 2010 (the Board will initiate the call).

17 No later than four business days prior to the conference call, each
18 party shall file and serve (SO ¶¶ 10.1 & 105) a list of the motions (Bd. R.
19 120; Bd. R. 204; SO ¶¶ 104.2.1, 120 & 204) the party intends to file.

1 A sample schedule for taking action during the motion phase appears
2 as Form 2 in the STANDING ORDER. Counsel is encouraged to discuss the
3 schedule prior to the conference call and to agree on dates for taking action.
4 A typical motion period lasts approximately eight (8) months. Counsel
5 should be prepared to justify any request for a shorter or longer period.

6 Part E. Identification and order of the parties

7
8 Junior Party

9 Named Inventors: GLENN W. CONNERY, Sunnyvale, California
10 GARY JASZEWSKI, Los Gatos, California
11 RICHARD REID, Mountain View, California

12 Involved Patent: 6,246,683 issued June 12, 2001, based on
13 application 09/071,692 filed May 1, 1998.
14

15
16 Title: Receive Processing with Network Protocol Bypass

17 Assignee: 3COM CORPORATION
18

19
20 Senior Party

21
22 Named Inventors: LAURENCE B. BOUCHER, Saratoga, California
23
24 STEPHEN E. BLIGHTMAN, San Jose, California
25
26 PETER K. CRAFT, San Francisco, California
27
28 DAVID A. HIGGEN, Saratoga, California
29
30 CLIVE M. PHILBRICK, San Jose, California

1 DARYL D. STARR, Milpitas, California

2
3 Involved Application: 09/692,561 filed October 18, 2000.

4
5 Title: Intelligent Network Interface System and Method
6 for Accelerated Protocol Processing

7
8 Assignee: ALACRITECH, INC.

9
10 The senior party is assigned exhibit numbers 1001-1999. The junior
11 party is assigned exhibit numbers 2001-2999. Bd. R. 154(c)(1); SO ¶
12 154.2.1. The senior party is responsible for initiating settlement discussions.
13 SO ¶ 126.1.

14 Part F. Count and claims of the parties

15 Count 1

16 Boucher's Claim 41

17 or

18 Connery's Claim 1

19 Count 2

20 Boucher's Claim 44

21 or

22 Connery's Claim 4

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Count 3

Boucher's Claim 45

or

Connery's Claim 3

The claims of the parties which correspond to Count 1 are:

Boucher: 41-43, 48 and 49

Connery: 1-3, 8 and 9

The claims of the parties which correspond to Count 2 are:

Boucher: 44

Connery: 4

The claims of the parties which correspond to Count 3 are:

Boucher: 45-47

Connery: 5-7

The claims of the parties which do not correspond to Count 1 are:

Boucher: 44-47

Connery: 4-7

The claims of the parties which do not correspond to Count 2 are:

Boucher: 41-43 and 45-49

Connery: 1-3 and 5-20

1 The claims of the parties which do not correspond to Count 3 are:

2 Boucher: 41-44, 48 and 49

3 Connery: 1-4 and 8-20

4 The parties are accorded the following benefit for Count 1:

5 Boucher: Application 09/067,544, filed April 27,
6 1988, now Patent 6,226,680, issued May 1,
7 2001; and

8
9 Provisional Application 60/061,809, filed
10 October 14, 1997.

11
12 Connery: None

13 The parties are accorded the following benefit for Count 2:

14 Boucher: Application 09/067,544, filed April 27,
15 1988, now Patent 6,226,680, issued May 1,
16 2001; and

17
18 Provisional Application 60/061,809, filed
19 October 14, 1997.

20
21 Connery: None

22 The parties are accorded the following benefit for Count 3:

23 Boucher: Application 09/067,544, filed April 27,
24 1988, now Patent 6,226,680, issued May 1,
25 2001; and

26
27 Provisional Application 60/061,809, filed
28 October 14, 1997.

29
30 Connery: None

1 Part G. Heading to be used on papers

2
3 The following heading must be used on all papers filed in this
4 interference, see SO ¶ 106.1.1:
5

6 UNITED STATES PATENT AND TRADEMARK OFFICE

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1 Part H. Order form for requesting file copies

2

3 When requesting copies of files, use of SO Form 4 will greatly

4 expedite processing of the request. Please attach a copy of Parts E and F of

5 this DECLARATION with a hand-drawn circle around the patents and

6 applications for which a copy of a file wrapper is requested.

7

8 /s/ Jameson Lee

9

Administrative Patent Judge

10

11

12 Enc:

13 Copy of STANDING ORDER

14 Revised 3 January 2006

1 cc (via overnight delivery):

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